



## **Administrative Policies and Procedures: 1.26**

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### **Subject: Detainers**

Supersedes: DYD 18.2, 07/01/94

**Local Policy: No**

**Local Procedures: No**

**Training Required: No**

**Approved by:**

**Effective date: 07/01/00**

**Revision date:**

### **Application**

To All Juvenile Justice Department of Children's Services Employees.

**Authority:** TCA 37-5-106

### **Policy**

Detainers received for youth in the physical custody of the Department of Children's Services shall be reviewed by DCS legal staff, who shall determine if a youth shall be released, subject to a detainer, to an outside agency. Detainers shall be issued by the department when youth in DCS physical or legal custody are released to the temporary custody of outside agencies. Institutional (i.e., youth development center and DCS community residential facility) staff shall take the lead in all cases involving detainers for youth placed in institutions. For youth not placed in institutions, the youth's community case manager shall take the lead in all cases involving detainers.

### **Procedures**

#### **A. Receipt of detainers**

1. When a detainer is received on a youth in the physical custody of the department, the superintendent, DCS community residential facility director, or appropriate case manager shall immediately notify a staff attorney.
2. The staff attorney shall:
  - a) Review the detainer;
  - b) Determine its basis and probability of service,
  - c) If the youth was judicially transferred and sentenced as an adult and is being held for the department of corrections, determine the applicability of the Interstate

Compact on Detainers; and

- d) For youth committed to DCS, determine the applicability of the Interstate Compact on Juveniles.
- 3. A copy of the received detainer shall be retained by DCS in the Youth's Masterfile.

**B. Applicability of the interstate compact on detainers**

- 1. If under A.2.c. of this policy, the Interstate Compact on Detainers is applicable, the staff attorney shall notify the superintendent, DCS community residential facility director or case manager and the Detainer Officer for the Department of Corrections.
- 2. With assistance from the DOC Detainer Officer, the youth against whom a detainer is filed shall then be advised of his/her rights under Article III of the Interstate Compact on Detainers.

**C. Applicability of the interstate compact on juveniles**

- 1. If under A.2.d. of this policy, the Interstate Compact on Juveniles is applicable, the staff attorney shall notify the superintendent, DCS community residential facility supervisor, appropriate case manager and the deputy compact administrator of this determination.
- 2. A detainer shall not in itself constitute an automatic bar to a youth's release or discharge. In all cases it shall be the responsibility of the legal staff to determine if a youth is to be released to a detainer.

**D. Issuance of detainers**

- 1. Whenever a youth in the physical or legal custody of DCS is released to the temporary custody of another agency, the superintendent, DCS community residential facility director, or case manager shall issue a detainer.
  - a) Circumstances appropriate for the issuance of detainers by the department include, but are not limited to: DCS youth held by County Sheriff (or jail) on adult charges, DCS youth transported (by outside agency with no DCS staff escort) to court for testimony, youths on AWOL status who are held in detention (or jail) on new charges, etc. Please note detainers should not be issued when DCS Youth are placed with (or transported by) agencies that have contracted with DCS for those services (i.e., Transcor, Youth Villages, etc.).
- 2. The superintendent, DCS community residential facility director, or appropriate case manager shall insure that the detainer is delivered to and signed by the receiving agency prior to relinquishing the DCS youth to the outside agency.

The original of the detainer shall be left with the receiving agency and a copy shall be retained by DCS in the Youth Masterfile.

## **Forms/Templates**

CS-0557      Detainer Notification

## **Collateral Documents**

*None*

## **ACA Standards**

3-JTS-5I-14